

CHAPTER 117  
REQUIREMENTS FOR WASTE TIRE FACILITIES

**567—117.1(455B,455D) Definitions.**

“*Permit*” means a permit issued by the department to establish, construct, modify, own, or operate a tire storage or processing site.

“*Processing*” means producing or manufacturing usable materials from waste tires.

“*Processing site*” means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

“*Tire collector*” means a person who owns or operates a site used for the storage, collection, or deposit of more than 500 waste tires.

“*Tire processor*” means a person engaged in the processing of waste tires.

“*Waste tire*” means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

“*Waste tire collection site*” means a site which is used for the storage, collection, or deposit of waste tires.

**567—117.2(455B,455D) Permit requirements and conditions.**

**117.2(1) Applications for storage, collection or processing.**

a. Application for a permit must be made on a form provided by the department and must be accompanied by the following:

(1) A map showing the site proposed to be used for the storage, collection or processing of tires, the property boundaries of the site and the location of any structures or other improvements within 1000 feet of the site boundary.

(2) A site closure plan that describes the actions that would be taken to remove all wastes, including processing residuals and unprocessed tires, and identifies the final disposition of all such wastes should the permitted site cease operation for whatever reason.

(3) A vector control plan that details the methods and procedures that will be used to prevent and control infestations of mosquitoes and rodents.

(4) A financial assurance instrument that fully complies with rule 117.3(455B,455D).

(5) A certified check in the amount of \$850 for the first year of operation. A fee of \$850 shall be paid annually by July 1 of each year after issuance of a permit, until the operation ceases and is properly closed. Failure to remit an annual fee terminates the permit, and the site shall be properly closed in accordance with subrule 117.3(2), paragraph “d.”

b. Reserved.

**117.2(2) Storage and disposal of waste tires.**

a. No person shall have more than 500 waste tires on one property or on numerous properties under their ownership, management or control unless the person has a current storage permit from the department of natural resources. Persons who actively use waste tires for a specific, beneficial purpose or temporarily store waste tires as part of an ongoing beneficial reuse may obtain a variance from the requirement to have a permit, upon written application. Appropriate conditions may be placed on the storage or use of the tires as a part of any variance.

b. Owners or operators of new waste tire storage and tire processing sites must obtain a permit from the department before initiating operation.

c. Owners or operators of waste tire storage and processing sites in existence September 20, 1995, must apply for a permit no later than September 20, 1996. Permits issued for existing sites shall contain a schedule with the earliest practical date for attaining full compliance with this rule. In no case shall the compliance date be later than December 31, 1999. The permit applications must include a schedule for complying with this rule at the earliest practical date but no later than December 31, 1999. The one-year period allowed for submitting an application by owners or operators of existing waste tire

storage or tire processing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by rule 117.3(455B,455D).

*d.* Any person choosing not to continue the maintenance or operation of a waste tire storage site that is in existence on September 20, 1995, shall have properly removed all tires from the site within the one-year period allowed for submitting a storage permit application. If the removal process is well underway, but not fully completed within the one-year period, the department may, upon request, issue a temporary permit for the exclusive purpose of completing the removal. The additional time period granted in this manner shall not exceed six months, and the temporary permit cannot be renewed.

*e.* Aboveground storage, open area. Local fire code requirements must be met. If the site is not covered by a fire code, the following subparagraphs (1) through (8) apply.

(1) No single tire pile shall contain more than 50,000 cubic feet of waste tires.

(2) The highest (vertical) dimension of any tire pile shall not exceed 10 feet.

(3) The largest surface area covered by a pile shall not exceed 5,000 square feet.

(4) Fire lanes having a minimum width of 40 feet must be maintained between any two tire piles.

(5) Fire lanes having a minimum width of 20 feet must be maintained between any tire pile and any structure, a property line, and a street.

(6) The perimeter of the site must be posted with signs prohibiting burning within 300 feet of a tire pile. Perimeter signs must be not more than 100 feet apart with lettering that is readable at a distance of 100 feet.

(7) The storage site must be secured from unauthorized access by a chain-link fence and gates or an equivalent method.

(8) The site must be graded and bermed to prevent any run-on of precipitation and to prevent any standing pools of water on the site.

*f.* Aboveground storage, enclosed area. Local fire code requirements must be met. If the site is not covered by a fire code, the following subparagraphs (1) through (6) apply.

(1) To qualify as an enclosed area, the structure must have a permanent roof and adequate lateral protection to prevent precipitation entering the tire storage area.

(2) No storage structure within a city's corporate limits shall contain more than 50,000 cubic yards of tires.

(3) No storage structure located within 1000 feet of any other structure or facility shall contain more than 50,000 cubic yards of tires.

(4) No combustible materials or volatile chemicals may be stored in a building permitted for tire storage.

(5) The storage site must be secured from unauthorized access.

(6) The perimeter of the site must be posted with signs prohibiting burning within 300 feet of the building. The signs must be not more than 50 feet apart and must be readable at a distance of 100 feet.

*g.* Underground storage.

(1) To qualify as an underground tire storage area for purposes of this rule, the area must not be subject to seepage or direct entry of surface or groundwater, it must be secure from entry by unauthorized persons and it cannot be used for the storage of combustible materials or volatile chemicals.

(2) Underground sites shall have access lanes, not less than 20 feet in width, arranged in a such a manner that no point in the tire storage area is more than 150 feet from an access lane.

### **117.2(3) Processing.**

*a.* Application for a processing permit must be made on forms provided by the department. The application must be accompanied by a map showing the area to be used as a processing site, the property boundaries of the site and the location of any structures or improvements within 1000 feet of the property boundary. If the processing equipment is portable and may also be used to process tires on property owned or controlled by the processor as well, the site map referred to above need be submitted only for that property.

*b.* The application must be accompanied by shop drawings, data sheets or similar documents that clearly show the process method and associated appurtenances including the capacity of the process.

*c.* Permits will normally be issued for a period of five years. An application for renewal shall be filed at least 90 days prior to the expiration date. Failure to remit the annual permit fee specified in 117.2(1) "a"(5) prior to the expiration of the permit will terminate any further consideration of the renewal application.

*d.* Any process that will or may result in air emissions, or a liquid discharge from the site must comply with all applicable regulations, including specific permits required by air or water quality rules of the state.

*e.* Any person having a current tire-processing permit may store tires on the processing site without a separate storage permit subject to the following limitations:

(1) All the rules in this chapter pertaining to storage, including financial assurance, are complied with, except possession of a separate permit.

(2) The number of tires in storage on site does not exceed the amount that can be processed in 100 hours of operating time.

(3) The processing equipment must have operated and successfully processed tires for a minimum of 500 hours during the most recent six-month period.

*f.* Processed tire products on site may not exceed six months' processing capacity unless a different limitation has been specified in the permit. Such exceptions shall not be granted by the department unless the permittee has requested a different limitation with appropriate justification showing why an occasional exceedance may be necessary for normal business operations.

#### **567—117.3(455B,455D) Financial assurance requirements.**

**117.3(1)** No permit can be issued by the department to the owner or operator of a tire processing site or a waste tire storage site until a financial assurance instrument, as required by this rule, has been submitted to the department. This financial assurance instrument shall not apply to waste tire storage or processing sites operated by state, county, or city agencies or operated in conjunction with a sanitary landfill. The one-year period allowed for submitting an application by owners or operators of existing waste tire storage or tire processing sites is for the purpose of providing the responsible party a reasonable period of time to acquire and submit proof of financial responsibility as required by this rule.

**117.3(2)** Financial assurance may be provided by cash, surety bond, letter of credit, or a secured trust fund.

*a.* A surety bond must be written by a company authorized by the commissioner of insurance to do business in this state. The bond shall be in a form approved by the commissioner of insurance and shall be payable to the department of natural resources.

*b.* The bond must be continuous until canceled by the surety. Written notice of intent to cancel the bond must be provided to the owner or operator and the department at least 90 days before the effective date of the cancellation.

*c.* Within 30 days of receipt of a written notice of cancellation the owner or operator must provide the department an alternative financial assurance instrument. If a means of continued financial assurance is not provided within that 30 days, the department will suspend the permit.

*d.* The owner or operator shall perform proper closure within 30 days of the permit suspension. For the purpose of this subrule, proper closure means the removal of all tires and related products from the premises.

*e.* If the owner or operator does not properly close the site within the 30-day period allowed, the department shall file a claim with the surety company to collect the amount of the bond necessary to properly close the site.

**117.3(3)** Any financial assurance instrument provided to the department in compliance with this rule must be payable to the department and must remain in continuous effect until the director of the department gives written notification to the owner or operator and the surety provider that the covered site has been properly closed. An owner or operator who elects to terminate a permitted activity, or

whose renewal application has been denied, or whose permit has been suspended or revoked for cause must submit a schedule within 30 days of the termination of the permit for completing proper closure of the terminated activity. Closure completion cannot exceed 180 days from the date of termination or the permit.

**117.3(4)** The director may request payment from any surety provider for the purpose of completing closure when any of the following circumstances exist.

*a.* The owner or operator is more than 15 days late in providing a schedule for closure or for meeting any date in the schedule for closure.

*b.* The owner or operator declares an economic inability to comply with this rule, either by written notification to the director or through an action such as a bankruptcy filing.

**117.3(5)** The amount of the financial assurance instrument to be provided and maintained by a permittee is as follows:

*a.* An application for a storage site must have a financial assurance instrument equal to 85 cents per tire listed as the maximum storage capacity being requested in the permit application.

*b.* An application for a processing site must have a financial assurance instrument equal to 85 cents per tire for each tire on site that is in excess of 72 hours of capacity of the processing equipment.

**567—117.4(455B,455D) General requirements.**

**117.4(1)** A person who contracts with another person to transport more than 40 waste tires is required to contract only with a person registered as a waste tire hauler pursuant to Iowa Code section 9B.1.

**117.4(2)** Land disposal, including landfilling, of tires is prohibited unless each tire is processed by shredding or, at the minimum, cut into pieces that are not more than 18 inches on any side.

**117.4(3)** A person who transports waste tires for final disposal is required to dispose of the tires only at a permitted sanitary disposal facility.

**117.4(4)** These rules do not apply to a person who holds indicia of title to a waste tire collection or processing site and who does not exhibit managerial responsibility for the daily operation of the tire collection or processing site through the actual, direct, and continual or recurrent exercise of managerial control over the site.

These rules are intended to implement Iowa Code sections 455B.301 to 455B.307 and 455D.11 to 455D.11B.

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